

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## In Re Application of:

**Wing K. Cheung, Jaya Natarajan, Marilyn**

**Sanders, Els Vercamen, Selima Begum,**

**Basant Sharma**

**For: PHARMACEUTICAL COMPOSITIONS OF ERYTHROPOIETIN**

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

## TYPE OF DECLARATION

The above identified application is a:

*(check one applicable item below)*

- |  |   |
|--|---|
| <input type="checkbox"/> Original                | <input type="checkbox"/> Divisional                 |
| <input checked="" type="checkbox"/> Continuation | <input type="checkbox"/> U.S. National Stage of PCT |
| <input type="checkbox"/> Continuation-in-Part    |   |

My full name (including family name and at least one given name without abbreviation), full post office address, city and state of actual residence and citizenship are as stated below.

I believe that the named inventor(s) is/are the original, first of the subject matter which is claimed and for which a

- Utility Patent       Design Patent

is sought on the invention, whose title appears above, the application of which:

- is attached hereto
- was filed on **February 10, 2004**, as U.S. Application Number **10/775,928**
- and was amended on \_\_\_\_\_ (if applicable)

was described and claimed in PCT International Application Number , filed on and as amended under PCT Article 19 on and/or PCT Article 34 on

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

**DISCLOSURE AND/OR CLAIM FOR PRIORITY UNDER  
35 U.S.C. §§ 119(a)-(d) OF FOREIGN APPLICATIONS FOR PATENT (OR  
INVENTOR'S CERTIFICATE FILED WITHIN 12 MONTHS (6 MONTHS FOR  
DESIGN) OF THIS APPLICATION**

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) of any foreign applications for patent, inventor's certificate or PCT international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's certificate or any PCT international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 37 USC § 119a-d
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**DISCLOSURE OF FOREIGN APPLICATION(S) IF ANY,  
FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)  
PRIOR TO THE FILING OF THIS APPLICATION**

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)

**CLAIM FOR PRIORITY OF UNITED STATES APPLICATIONS  
OR PCT APPLICATIONS FILED  
IN THE UNITED STATES RECEIVING OFFICE  
UNDER 35 U.S.C. § 120**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date Filed	Status Patented/Pending/Abandoned
09/545,479	April 7, 2000	Pending
/		

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date
60/128,596	April 9, 1999

**POWER OF ATTORNEY**

- I hereby appoint all the practitioners associated with Customer Number 23377 (which is the Customer Number assigned to Woodcock Washburn LLP) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number 23377 is an attorney registered before the United States Patent and Trademark Office.



23377

PATENT TRADEMARK OFFICE

- I hereby also appoint the following persons as attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Attorney/Patent Agent	Registration No.
John W. Harbour	31,365
Ralph R. Palo	29,486
Linda S. Evans	33,873
Jesus Juanos I Timoneda	43,332
Evelyn D. Shen	39,834
Philip S. Johnson	27,200
Myra H. McCormack	36,602

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Philadelphia PA 19103  
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Facsimile No.: (215) 568-3439

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or first joint inventor**

Wing  
(Given Name)

K.  
(Middle Initial or Name)

Cheung  
(Family or last name)

**City/State of Actual Residence:** Warren, New Jersey

**Mailing Address:** 21 Crosswood Way  
(include street address, city, state,  
and zip code) Warren, New Jersey 07059

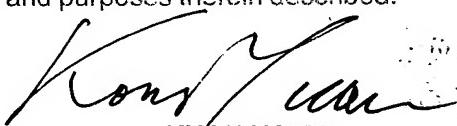
**Country of Citizenship:** United States of America

**Inventor's signature:**

Date: 3/22/2004

State of New Jersey  
County of Somerset } ss

Wing Cheung personally appeared before  
me, a Notary Public, on 3/22/04  
who I am satisfied is the person named herein  
and who executed the foregoing instrument in  
my presence as his voluntary act and deed for  
the uses and purposes therein described.

  
YUAN KONG  
THE COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY

MAR 22 2004

MY COMMISSION EXPIRES  
08/07/2006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of second joint inventor**

Jaya  
*(Given Name)*

Middle Initial or Name

Natarajan  
*(Family or last name)*

**City/State of Actual Residence:** Hillsborough, New Jersey

**Mailing Address:** 15 Matthew Road  
*(include street address, city, state,  
and zip code)*  
Hillsborough, New Jersey 08844

**Country of Citizenship:** United States of America

**Inventor's signature:** Jaya Natarajan

**Date:** March 23, 2004

State of New Jersey  
County of Somerset } ss

Jaya Natarajan personally appeared before  
me, a Notary Public, on Mar. 23/2004  
who I am satisfied is the person named herein  
and who executed the foregoing instrument in  
my presence as his voluntary act and deed for  
the uses and purposes therein described.



YUAN KONG  
THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY

MAR 23 2004

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08/07/2006

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**Full name of third joint inventor**

Marilyn  
*(Given Name)*

                    
*(Middle Initial or Name)*

Sanders  
*(Family or last name)*

**City/State of Actual Residence:** Raritan, New Jersey**Mailing Address:**

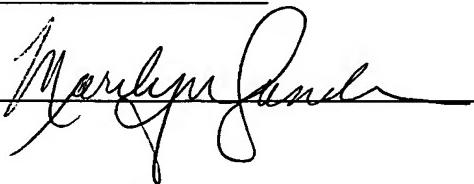
(include street address, city, state,  
and zip code)

U.S. Route 202

Raritan, New Jersey 08869

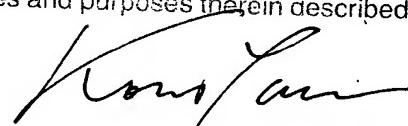
**Country of Citizenship:** United States of America**Inventor's signature:**

Date: 3/29/04



State of New Jersey  
County of Somerset } ss

Marilyn Sanders personally appeared before  
me, a Notary Public, on 3/29/04  
who I am satisfied is the person named herein  
and who executed the foregoing instrument in  
my presence as his voluntary act and deed for  
the uses and purposes therein described.

  
YUAN KONG  
THE COUNTY OF MIDDLESEX  
STATE OF NEW JERSEY

MAR 29 2004

MY COMMISSION EXPIRES  
08/07/2006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## Full name of fourth joint inventor

Els

(Given Name)

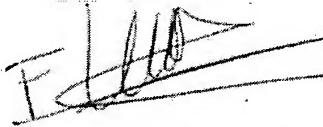
(Middle Initial or Name)Vercammen

(Family or last name)

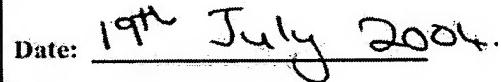
City/State of Actual Residence: Oxfordshire, United Kingdom

## Mailing Address:

(include street address, city, state, and zip code)

3, Old Orchard, Henton, ChinnorOxfordshire, OX39 4AL United KingdomCountry of Citizenship: Belgium

## Inventor's signature:

  
Date: 19<sup>th</sup> July 2004.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of fifth joint inventor**Selima

(Given Name)

(Middle Initial or Name)Begum

(Family or last name)

**City/State of Actual Residence:** Edison, New Jersey**Mailing Address:**  
(include street address, city, state,  
and zip code)  
10 Sandalwood Drive  
Edison, New Jersey 08820**Country of Citizenship:** United States of America**Inventor's signature:**Selima Begum**Date:** March 24, 2004State of New Jersey  
County of Somerset } ss

Selima Begum personally appeared before  
me, a Notary Public, on 3/24/04  
who I am satisfied is the person named herein  
and who executed the foregoing instrument in  
my presence as his voluntary act and deed for  
the uses and purposes therein described.

Kuan Kong  
THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY

MAR 24 2004

MY COMMISSION EXPIRES  
08/07/2006

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sixth joint inventor****Basant**

(Given Name)

(Middle Initial or Name)

**Sharma**

(Family or last name)

**City/State of Actual Residence:** Bridgewater, New Jersey**Mailing Address:** 837 Bluestone Lane(include street address, city, state,  
and zip code)Bridgewater, New Jersey 08807**Country of Citizenship:** United States of America**Inventor's signature:**B. Sharma**Date:** March 24, 2004

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State of New Jersey  
County of Somerset } ss

Basant Sharma personally appeared before  
me, a Notary Public, on 3/24/04  
who I am satisfied is the person named herein  
and who executed the foregoing instrument in  
my presence as his voluntary act and deed for  
the uses and purposes therein described.

  
  
YUAN KONG  
THE COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY

MAR 24 2004

MY COMMISSION EXPIRES  
08/07/2006